

# State of Wisconsin



1997 Assembly Bill 444

Date of enactment: **April 22, 1998**

Date of publication\*: **May 5, 1998**

## 1997 WISCONSIN ACT 166

**AN ACT** to amend 125.30 (1); and to create 125.12 (2) (ag) 7. and 125.33 (11) of the statutes; relating to: fermented malt beverage wholesalers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 125.12 (2) (ag) 7. of the statutes is created to read:

125.12 (2) (ag) 7. The person received the benefit from an act prohibited under s. 125.33 (11).

**SECTION 2.** 125.30 (1) of the statutes is amended to read:

125.30 (1) The department shall issue out-of-state shippers' permits which authorize the permittee to ship fermented malt beverages only to holders of a wholesaler's license issued under s. 125.28. No person may receive fermented malt beverages in this state which have been directly shipped from outside this state by any person other than the holder of a permit issued under this section. All shipments of fermented malt beverages from outside this state to a wholesaler of fermented malt beverages in this state, whether shipped to the wholesaler from inside this state or from outside this state, shall be unloaded in and distributed from the wholesaler's warehouse in this state.

**SECTION 3.** 125.33 (11) of the statutes is created to read:

125.33 (11) SOURCE OF FERMENTED MALT BEVERAGES.

(a) No wholesaler who holds a retail license issued under this chapter may sell a brand of fermented malt beverages to another retail licensee unless the wholesaler has an agreement for general wholesale distribution of that brand of fermented malt beverages with the brewer, brewer's agent or holder of an out-of-state shipper's permit supplying that brand.

(b) If a wholesaler who holds a retail license issued under this chapter violates par. (a), any other wholesaler aggrieved by such violation or the brewer may bring an action against such wholesaler in any court of competent jurisdiction for damages sustained by the aggrieved wholesaler or the brewer as a consequence of the violation, together with the actual costs of the action. Notwithstanding s. 814.04 (1), a wholesaler or the brewer who prevails in an action under this paragraph may recover reasonable actual attorney fees incurred in the action.

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\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].